

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Stephen Wayne Carlson,

Plaintiff,

v.

Civil No. 12-645 (JNE/JJK)
ORDER

U.S. Department of Education;
Minnesota Office of Higher Education;
Governor Mark Dayton in his Official Capacity;
B. Todd Jones, U.S. Attorney, District of
Minnesota; Financial Litigation Unit; Board
of Regents of the University of Minnesota;
Eric Kaler in his Official Capacity,

Defendants.

This matter arises from an adversary proceeding in a bankruptcy case, which the bankruptcy court transferred to this Court pursuant to Local Rule 5011-3(a). All of the Defendants filed Motions to Dismiss. In a Report and Recommendation dated August 9, 2012, the Honorable Jeffrey J. Keyes, United States Magistrate Judge, recommended granting the Defendants' Motions to Dismiss and transferring Plaintiff's claim for discharge of his student loan debt on grounds of undue hardship back to the bankruptcy court for resolution. Plaintiff objected and Defendant responded. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation [Docket No. 25]. Therefore, IT IS ORDERED THAT:

1. Defendants Minnesota Office of Higher Education and Governor Mark Dayton's Motion to Dismiss [Docket No. 1, Attach. No. 6] is GRANTED.
2. Defendants Board of Regents of the University of Minnesota and Eric Kaler's Motion to Dismiss Adversary Proceeding [Docket No. 1, Attach. No. 8] is GRANTED.
3. Defendants B. Todd Jones, U.S. Department of Education, and Financial Litigation Unit's Motion to Dismiss [Docket No. 2] is GRANTED.

4. Plaintiff's claim for discharge of his student loan debt on grounds of undue hardship is TRANSFERRED back to the bankruptcy court for resolution.
5. This action is DISMISSED.

Dated: September 20, 2012

s/Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge